HAYNES et al Appl. No. 10/664,029 July 14, 2005

## REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The non-elected claims have been cancelled without prejudice.

Submitted herewith is a Declaration which should be substituted for that filed previously. The attached moots the Examiner's objection to the original Declaration.

Claims 16, 3, 7-13, 17, 18, 28, 4-6, 29 and 31-40 stand provisionally rejected as representing obviousness-type double patenting over claims of Application No. 09/960,717. Merely to advance prosecution, submitted herewith is a Terminal Disclaimer and the required fee.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

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1579-804

## JUL 1 4 2005 ED CLARATION FOR PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE As a below named inventor, I hereby declare that my residence, mailing address and citizenable are as stated below next to my name, and I believe I am

Nixon & Vanderhye P.C. (10/88) (Domestic Assigned) Page 1

the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural hames are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled; IMMUNOGEN the specification of which (check applicable box(s)): is attached hereto way filed on September 17, 2003 as U.S. Application Serial No. 10/554,029 (Atty. Dkt. No. 1579-804) was filed as PCT International application No. and (if applicable to U.S. or PCT application) was emended on I hereby state that I have reviewed and understand the contents of the above Identified specification, including the ciaims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Petent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby daim foreign priority benefits under 35 U.S.C. 119/355 of any foreign application (s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent of inventor's certificate having a filling date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application: Priority Foreign Application(s): Application Number Day/Month/Year Filed Country I hereby claim the benefit under 35 U.S.C. §119(a) of any United States provisional application(a) fisted below. Date/Month/Year Filed Application Number 22 September 2000 60/234,327 60/285,173 23 April 2001 21 September 2001 60/323,897 60/323,702 21 September 2001 I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below. Prior U.B./PCT Application(s): Status: patented pending, abandoned Day/Month/Year Filed Application Serial No. 09/980,717 24 September 2001 Pending I hereby declare that all abstracts made herein of my own knowledge are true and that all statements made on information and ballef are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued triercon. And on behalf of the owner(a) hereof, I hereby ask that all communications in this matter be directed to: NIXON & VANDERHYE F.C., 1100 North Glabe Rd., 🕸 Floor, Ajlington, VA 22201-4714, telephone number (703) 816-4840 1. Inventor's Signature: USA HAYNES Barton inventor. (cilizanahip) (first) (Isst) (atate/country) North Carolina Durham Residence: (city) 3923 Wentworth Street, Durham, North Carolina Mailing Address: 27707 (Zip Code) Date: 2. Inventor's Signature: PATEL U.S.A. Б Inventor: Dhavalkumar (last) (cittzenahib) (first) M North Carolina Chapel Hill (state/country) Residence: (city) 203 Telluide Trall, Chapel Hill, North Carolina Mailing Address: 27514 (Zip Code) Date: inventor's Signature: 3, U.S.A. ALAM Inventor: Mul (lest) (citizenahip) MI (firet) (state/country) North Carolina Residence: (city) 203U Berkdale Drive, Chapel Hill, North Carolina Melling Address: (Zip Code) 27516 Daile: Inventor's Signature: .4 Chinese LIAO inventor: (chizeriship) MI (last) (first) (state/country) North Carolina Chapel Hill Residence: (city)

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PE

RULE 63 (37 C.F.R. 1.63)

INVENTIONS DECLARATION FOR PATENT

Nixon & Vanderhyo P.C. (10/99) (Domestic Assigned) Page 1

## INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, malling address and clizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the inventor entitled:

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the spe	cification of which (check	applicable box(s)):	110111011001111	<del></del>			
	Is attached hereto	,					
図	was filed on Se	eptember 17, 2003	as U.S. Application	Serial No.	10/664,029	(Atty. Dkr. No. 1579-804)	
<u> </u>	was filed as PCT Internation	nal application No.			on		
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amend delined ilsted b which	d in 37 C.F.R, 1.56. I <sup>t</sup> herel colow and have also identif priority is claimed or, if no p	acknowledge the duty to by claim foreign phority b ied below any foreign ap	odisclose to the Patent Obenefits under 35 U.S.C. oplication for patent or inv	ifice all infor 119/365 of a rentor's certif	nation known to me t ny (oreign application	laims, as amended by any to be material to patentability as n(s) for patent or inventor's certific late before that of the application	
Priority Foreign Application(s): Application Number			Country	Country		Day/Month/Year Filed	
I harot Prior I Applic I heret be true imprise applic	e; and further that these sta onment, or both, under Sec ation or any patent (ssued t	as U.S.C. 120/365 of all hits made herein of my obstements were made with olden 1001 of Title 18 of the	Date/Month/Year 22 September 2 23 April 200 21 September 2 21 September 2 prior United States and F  Day/Month/Year 24 September 2 wh knowledge are true ar in the knowledge that will the United States Code a of the owner(s) hereof, I	r Filod 2000 1 2001 2001 PCT internation Filed 2001 and that all state ful false state and that such hereby ask the	onal applications liste laments made on Info ments and the like so willful false statemen at all communication	Status: patented pending, abandoned Pending ormation and ballef are believed to made are punishable by fine or its may jeopardize the validity of the line in atterned to:	
NIXON	& VANDÉRHYE P.C., 11	00 North Glebe Rd., 8 <sup>th</sup>	' Floor, Arlington, VA 22	2201-4714, to	lephone number (7	03) 816-4000.	
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4.	Inventor's Signature:				Dat	le:	
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